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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,150	02/13/2002	Yasushi Yamade	325772027900	5457
7590	05/22/2006			EXAMINER REILLY, SEAN M
Barry E. Bretschneider Morrison & Foerster LLP 2000 Pennsylvania Ave., N.W. Washington, DC 20006-1888			ART UNIT 2153	PAPER NUMBER

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

9

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/073,150	YAMADE, YASUSHI
	<b>Examiner</b>	<b>Art Unit</b>
	Sean Reilly	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 February 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on February 21, 2006. Claims 1-11 are presented for further examination. All independent claims have been amended.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakimoto (U.S. Patent Number 6,775,688) and Ramaley et al. (U.S. Patent Number 6,687,741; hereinafter Ramaley).**
2. Regarding claims 1, 6, and 9, Kakimoto discloses a method for use with a data transmission device, comprising the following steps of:

- receiving an instruction (Data Distribution Method Figure 5, Component 47) to designate for each destination (for multiple destinations see Figure 4) one of a first transmission mode in which a file is sent attached to an e-mail message ("real data" Col 2, lines 12-17 or Col 8, lines 23-28), a second transmission mode in which a file is sent to a file transfer server ("link data" Col 2, lines 8-11 or Col 8, lines 23-28) and a mixed transmission mode in which a file is sent to a file transfer server and an e-mail message having a text string including address information of the file transfer

server is sent (Link data transfer Col 2, lines 4-7 or Col 8, lines 23-28) (also refer to Figure 6A);

- the transmitting unit executes the mixed transmission mode in which an e-mail message have a text string including address information of the file transfer server designated in the second mode is sent to the destination designated for the first mode, where no file is attached to the e-mail, and a file designated for the second mode is sent to the file transfer server (see Figure 6A, when the traffic load is heavy, S527, the system distributes the data as link data instead of an email attachment);

Kakimoto disclosed the invention substantially as claimed however, Kakimoto failed to specifically recite replacing the first transmission mode with the mixed transmission mode when it is determined that the multiple destinations include those for which the first and second transmission modes are designated. Instead Kakimoto's system replaces the email attachment transmission mode (Applicant's claimed first mode) with a file upload and link transmission mode (Applicant's claimed mixed mode) when the traffic load is heavy. Nonetheless it was well known in the art at the time of the invention to replace an e-mail attachment sending mode with a file upload and e-mail link sending mode, when both email attachment and file uploads sending modes are selected, as evidenced by Ramaley. In an analogous art, Ramaley disclosed a system where users can send files using various modes of transmission, e.g. e-mail attachment, to a file transfer server (shared disk location), and to a file transfer server and as a link in an email (Col 7, line 30 – Col 8, line 17). In Ramaley's system when a user selects to send a file as an attachment and the file is selected to be saved to a file transfer server, the system automatically sends the file

using a link in an email as opposed to an email attachment (see inter alia Col 7, line 30 – Col 8, line 17, where the system checks to see if the user uploads the file to a shared disk). Ramaley further disclosed that it is preferable to send files as links in e-mails when the files are going to be stored in shared drives since the recipient is able to access the shared file even after it has been subsequently modified by the sender and thus provides greater levels of data concurrency (Col 5, line 64 – Col 6, line 1). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system Kakimoto to send files in email link mode when the file is selected to be sent via email attachment and uploaded to a file transfer server, so that the recipient is able to access the shared file even after it has been subsequently modified by the sender and therefore provide greater levels of data concurrency.

3. Regarding claim 2, Kakimoto discloses data generating means for generating image data, and wherein the file to be sent comprises the image data generated by the data generating means (Col 7, lines 1-4 and Figure 6A Convert to distributable data form).

4. Regarding claim 3, Kakimoto discloses an image reader for reading an image of an original document and outputting image data, and wherein the file to be sent comprises the image data output by the image reader (Col 7, lines 1-4 and Figure 6A Convert to distributable data form).

5. Regarding claims 4, 7, and 10, Kakimoto discloses the file transfer server address information includes an address of the server and a name of the folder in which the file is to be stored (Data Location, Figure 8 and Col 10, line 66 – Col 11, line 17). Further Ramaley disclosed that the file transfer server is an FTP server (Col 7, lines 63-65).

6. Regarding claims 5, 8, and 11, Kakimoto fails to specifically recite that the text string of the e-mail message in the third transmission mode includes a user ID and password for authentication purposes. However Kakimoto disclose the file transfer server has an access authority authentication function (Col 12, lines 52-56). Further it was well known in the art at the time of the invention to use a user ID and password for authentication purposes. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user ID and password within the text string of the e-mail message (link data in Kakimoto) in order to provide a user access to the secure file server.

*Response to Arguments*

7. In response to Applicant's request for reconsideration filed on February 21, 2006, the following factual arguments are noted:

- a. Neither of the cited references disclosed that if both the first and second transmission modes are designated in a multi-destination delivery, then a mixed mode of delivery will be used.

In considering (a), Examiner respectfully disagrees with Applicant's argument.

Applicant asserts that that neither of the cited references disclosed that if both the first and second transmission modes are designated in a multi-destination delivery, then a mixed mode of delivery will be used. Examiner disagrees. Ramaley disclosed a system where users can send files using various modes of transmission, e.g. 1) e-mail attachment, 2) to a file transfer server (shared disk location), and 3) to a file transfer server and as a link in an email (Col 7, line 30 –

Col 8, line 17). In Ramaley's system when a user selects to send a file as an attachment (analogous to Applicant's first transmission mode) and the file is also selected to be saved to a file transfer server (analogous to Applicant's second transmission mode), the system automatically sends the file using a link in an email as opposed to an email attachment (see inter alia Col 7, line 30 – Col 8, line 17, where the system checks to see if the user uploads the file to a shared disk). In other words when a user has selected to attach a file (Applicant's first transmission mode) and has also selected to upload the same file to a file server (i.e. save the file to shared drive) (Applicant's second transmission mode), then Ramaley's system replaces the file attachment transmission mode with a link to the uploaded file (Applicant's mixed transmission mode). Thus, Ramaley clearly disclosed that if both the first and second transmission modes are designated in a multi-destination delivery, then a mixed mode of delivery will be used.

### *Conclusion*

8. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
May 3, 2006

  
KRISNA LIM  
PRIMARY EXAMINER